



Rep. Dwight Kay

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LRB097 09405 HLH 53381 a

1 AMENDMENT TO HOUSE BILL 2823

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2823 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Local Library Act is amended by by  
5 changing Sections 2-1, 2-2, 2-6, and 3-5 and by adding Section  
6 4-18 as follows:

7 (75 ILCS 5/2-1) (from Ch. 81, par. 2-1)

8 Sec. 2-1. To provide local public institutions of general  
9 education for citizens of Illinois, the corporate authorities  
10 of any city may, by an ordinance adopted by a three-fourths  
11 vote of the corporate authorities, establish and maintain a  
12 public library for the use and benefit of the residents of the  
13 city and may, subject to the limitations of Article 3, levy a  
14 tax for library purposes. The corporate authorities must hold  
15 at least one public hearing on the matter not less than 15 nor  
16 more than 30 days before the corporate authorities consider the

1 establishment of the library.

2 (Source: P.A. 84-770.)

3 (75 ILCS 5/2-2) (from Ch. 81, par. 2-2)

4 Sec. 2-2. To provide local public institutions of general  
5 education for citizens of Illinois, the citizens residing in a  
6 village, incorporated town or township without local library  
7 service may establish and maintain a public library for the use  
8 and benefit of the residents of the respective village,  
9 incorporated town or township as herein provided.

10 Upon the adoption of an ordinance by the governing body of  
11 an incorporated town, village, or township by a three-fourths  
12 vote, a public library may be established and an annual tax may  
13 be levied for the establishment and maintenance of that  
14 library, subject to the limitations of Article 3. The corporate  
15 authorities must hold at least one public hearing on the matter  
16 not less than 15 nor more than 30 days before the corporate  
17 authorities consider the establishment of the library. ~~or when~~  
18 ~~100 legal voters of any incorporated town, village or township~~  
19 ~~present a petition to the clerk thereof asking for the~~  
20 ~~establishment and maintenance of a public library in such~~  
21 ~~incorporated town, village or township, the clerk shall certify~~  
22 ~~the question of whether to establish and maintain a public~~  
23 ~~library to the proper election authorities who shall submit the~~  
24 ~~question at a regular election in accordance with the general~~  
25 ~~election law.~~

1       ~~The petition shall specify the maximum library tax rate, if~~  
 2 ~~the rate is to be in excess of .15%. In no case shall the rate~~  
 3 ~~specified in the petition be in excess of .60% of the value as~~  
 4 ~~equalized and assessed by the Department of Revenue. The~~  
 5 ~~proposition shall be in substantially the following form:~~

6 -----  
 7       ~~Shall a public library be established~~ YES  
 8 ~~and maintained in (name of incorporated~~ \_\_\_\_\_  
 9 ~~town, village or township)?~~ NO

10 -----  
 11       ~~If the petition specified a maximum tax rate in excess of~~  
 12 ~~the statutory maximum tax rate of .15%, the proposition shall~~  
 13 ~~be in substantially the following form:~~

14 -----  
 15       ~~Shall a public library be~~  
 16 ~~established and maintained in (name of~~  
 17 ~~incorporated town, village or township),~~ YES  
 18 ~~with a maximum annual public library tax~~ \_\_\_\_\_  
 19 ~~rate at. % of the value of all taxable~~ NO  
 20 ~~property as equalized and assessed by the~~  
 21 ~~Department of Revenue?~~

22 -----  
 23       ~~If the majority of all votes cast in the incorporated town,~~  
 24 ~~village or township on the proposition are in favor of a public~~  
 25 ~~library, an annual tax may be levied for the establishment and~~  
 26 ~~maintenance of such library, subject to the limitations of~~

1 ~~Article 3.~~

2 (Source: P.A. 94-681, eff. 11-3-05.)

3 (75 ILCS 5/2-6) (from Ch. 81, par. 2-6)

4 Sec. 2-6. A public library established by any city, village  
5 or incorporated town under this Act may be disestablished if  
6 the library has no bonded indebtedness and the municipality is  
7 wholly included within a township which has a library  
8 established under this Act. Disestablishment may be effected by  
9 a three-fourths vote of the corporate authorities of the city,  
10 village, or incorporated town. The corporate authorities must  
11 hold at least one public hearing on the matter not less than 15  
12 nor more than 30 days before the corporate authorities consider  
13 the disestablishment. in the following manner:

14 ~~When 25% but not less than 100 of the voters of the city,~~  
15 ~~village, or incorporated town present a petition to the clerk~~  
16 ~~thereof asking for the disestablishment of the public library,~~  
17 ~~the clerk shall certify the question of whether or not the~~  
18 ~~public library shall be disestablished to the proper election~~  
19 ~~authorities who shall submit the question at a regular election~~  
20 ~~in accordance with the general election law. The proposition~~  
21 ~~shall be in substantially the following form:~~

22 -----

23 Shall the ..... YES

24 library be \_\_\_\_\_

25 disestablished? NO

1 -----  
2 ~~If a majority of the votes cast upon the proposition are in~~  
3 ~~favor thereof, the library shall be disestablished. If less~~  
4 ~~than a majority of the votes are in favor of the proposition,~~  
5 ~~the disestablishment shall not occur.~~

6 If the disestablishment is authorized under this Section,  
7 the board of trustees of the library shall immediately proceed  
8 to close up the business of the library. If a vacancy occurs on  
9 the board before all of the business affairs are completed, the  
10 vacancy shall not be filled except that if all positions become  
11 vacant, the corporate authorities of the incorporated town,  
12 village, or city concerned shall act as the board to close up  
13 the business of the library. In closing up the affairs of the  
14 library, the board shall sell all property and equipment of the  
15 library and pay all debts and obligations; however, if the  
16 city, village or incorporated town whose public library is  
17 being disestablished is wholly within a township or townships  
18 having a township library or township libraries, the board or  
19 boards of which agree to assume all debts and obligations of  
20 the library being disestablished, all remaining property and  
21 equipment may be transferred to the township library.

22 (Source: P.A. 84-770.)

23 (75 ILCS 5/3-5) (from Ch. 81, par. 3-5)

24 Sec. 3-5. The library taxes provided for in this Act shall  
25 be levied by the corporate authorities in the amounts

1 determined by the board and collected in like manner with other  
2 general taxes of the city, village, incorporated town or  
3 township and the proceeds shall be deposited in a special fund,  
4 which shall be known as the library fund. If the tax levy for  
5 library purposes is increased by a greater percentage than the  
6 percentage increase in the aggregate of all other corporate tax  
7 levies from the preceding fiscal year, then the corporate  
8 authorities may lower the levy for library purposes to a level  
9 no lower than the percentage increase for the aggregate of all  
10 other corporate tax levies from the preceding fiscal year. In  
11 townships and in cities, villages and incorporated towns having  
12 a population of 50,000 or less the proceeds of any such tax  
13 shall be paid over by the officer charged with the collection  
14 thereof to the board of trustees of the library. Expenditures  
15 from the library fund shall be under the direction of the board  
16 of library trustees.

17 (Source: P.A. 84-770.)

18 (75 ILCS 5/4-18 new)

19 Sec. 4-18. Dissolution of the board of library trustees.  
20 The board of library trustees of a city, village, incorporated  
21 town, or township may be dissolved by a three-fourths vote of  
22 the corporate authorities of that city, village, incorporated  
23 town, or township. Before dissolving the board of library  
24 trustees, the corporate authorities must hold at least one  
25 public hearing on the matter not less than 15 nor more than 30

1 days before the corporate authorities consider the  
2 dissolution. If the board of library trustees is dissolved,  
3 then the corporate authorities must appoint a 7-member advisory  
4 library board. The members of the advisory library board shall  
5 be appointed by the mayor or village president, as applicable,  
6 with the advice and consent of the city council or village  
7 board of trustees. Members of the advisory library board shall  
8 serve for 4-year terms. If the library board of trustees is  
9 dissolved, then the corporate authorities shall assume the  
10 powers of the board of library trustees pursuant to this Act,  
11 but may delegate any powers to the advisory library board with  
12 the exception of the power to levy a tax, appropriate money,  
13 appoint and fix the compensation of library employees, or  
14 acquire and sell property.

15 (75 ILCS 5/2-3 rep.)

16 Section 10. The Illinois Local Library Act is amended by  
17 repealing Section 2-3."